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KANT: PRACTICAL LAWS

894. Strategy in Theoretical and Practical Philosophy

Kant's attitude to rationalist intuitionism and sentimentalism in ethics may be compared with his attitude to rationalism and empiricism in metaphysics and epistemology. In the *First Critique*, he agrees with rationalists against empiricists in believing that there are true non-empirical principles in addition to the truths grasped by experience. But he does not simply assert that these are innate principles, or that they are grasped by rational intuition.[1] He argues that they are true and non-empirical. In his view, we must recognize their truth and their non-empirical character if we admit any empirical knowledge, or even admit some basic truths about self-consciousness. If he is right, we must reject empiricism if we believe some elementary truths that an empiricist must believe. Kant tries to do something similar in his moral philosophy. He wants to display the rational necessity of the moral point of view, to those who accept moral judgments, or even any plausible conception of rational agency.

He argues, therefore, in two different directions, which he calls 'regressive' (or 'analytic') and 'progressive' (or 'synthetic').[2] The regressive method argues from common-sense convictions about morality and moral reasons, to an account of the sort of agent and the sort of will that can be moved by such reasons. The progressive method begins from claims about rational agency—the sorts of agents that we take ourselves to be, and the sorts of reasons that concern us. It argues from these claims to an account of the practical principles that we have reason to accept. These two different directions of argument should agree in their conclusions. On the one hand, the kind of agent who is presupposed by morality ought to be one whom we can reasonably believe to exist. On the other hand, the principles that a rational agent has reason to accept ought to include recognizably moral principles.

[1] Kant criticizes innatism at *KrV* B167–8. I follow convention in citing Kant by the pages of the Akademie edition, or (for *KrV*) the pages of the original German editions. Most English versions, including CT, give the relevant page numbers in the margins. My quotations mostly follow Beck or CT.

[2] The *G* argues in the first direction, *KpV* in the second. See Beck, *CKCPR* 52. The two directions of argument are clearly marked in §5 and §6 of *KpV*, ch. 1, 28–9. Problem 1 is: Granted something about morality, find the sort of will that is determined by it alone. Problem 2 is: Granted a free will, find the law that alone is competent to determine it necessarily.

The two central concepts that Kant relies on are those of morality and of freedom, which he connects closely with rational agency. Through the moral law we discover the principles that move a will if there is any free will; but we still need some further argument to show that the kind of free will postulated by the moral law is possible.[3]

We might reasonably compare Kant's two directions of argument with those that Aristotle distinguishes; one begins from what is 'more knowable to us' and proceeds towards the principles that are 'more knowable by nature'.[4] The principles are 'more knowable by nature' because they capture the real explanatory and justificatory relations between the ordinary convictions we begin with and the less accessible truths that underlie these convictions. A progressive argument setting out from the principles known 'by nature' ought not to take the truth of our moral convictions for granted, but ought to justify our conviction of their truth by further principles. In the *First Critique*, Kant distinguishes a question of fact from a question of right (quid iuris), and takes the second question to require an answer giving a 'deduction' that constitutes a justification.[5] Similar questions seem to be relevant to morality. We find an 'apparent contradiction between the mechanism of nature and freedom' (*KpV* 97). If we could go no further, we would have to conclude that our moral convictions lead us to believe something that we have good reason to reject.

In Kant's view, however, the conception of freedom we reach through morality is also reasonable in its own right, and therefore supports the rationality of our moral beliefs. To this extent he offers a 'deduction' for practical reason. He claims that our moral beliefs are the foundation of our belief in freedom, and our belief in freedom is the foundation of our moral beliefs. These two claims are consistent, and indeed support each other, if they refer to different types of foundation. We will need to return to these questions in our examination of Kant's claims about freedom.

895. Kant and Rationalism

The successes and failures of ethical rationalism help to clarify Kant's argument. Price and Reid object to the sentimentalist account of moral judgments. They argue that our common understanding of moral judgments treats them as rational judgments, and not as reports or expressions of our feelings of approval. But they do not explain as clearly what is rational about moral judgments, or how their rationality can be shown.[6]

The rationalists fail us partly because they rely so strongly on intuition. The bare claim that basic moral principles are rational intuitions does not answer doubts about whether morality has a rational basis. We might reasonably hope for some account of the rational aspect of moral principles. This hope might turn out to be misguided. Perhaps we must accept some rational intuitions without further defence; why should we be less willing to accept them in ethics than elsewhere? Price and Reid give this answer to critics of intuitions. To assess this answer, we need to face two epistemological issues: (1) Should we appeal to

[3] *KpV* 4–5, quoted in §939. [4] See §67. Paton, *CI* 29, compares Aristotle and Kant.
[5] See *KrV* A84/B116. *KpV* 46–50 marks an apparent disanalogy with practical reason.
[6] See Hutcheson's reply to Burnet, §655.

intuition as a source of our knowledge of basic principles? (2) Is it especially plausible or implausible to appeal to it in ethics?

Kant's *First Critique* offers an alternative to intuition as the source of our knowledge of basic principles. Instead of simply asserting that (e.g.) events are connected by causal relations, he argues that this connexion is necessary for the possibility of experience. Our experience and its presuppositions make it reasonable, in Kant's view, to accept principles that rationalists simply present to us without defence or explanation. It is worth seeing whether Kant offers a similar alternative to intuitionism in ethics.

Not all intuitionists, or sympathizers with intuitionism, simply appeal to intuition. Butler and Reid argue that self-love is a rational principle because it expresses my conception of myself as a whole temporally extended agent. Their account of the rationality of the moral point of view is less satisfactory; Butler sketches an argument for the rationality of conscience, claiming that conscience expresses our nature as rational agents in relation to other rational agents. We might reasonably expect a defender of the rationalist position to develop Butler's argument.

An intuitionist might argue that these arguments do not avoid intuitionism; perhaps they simply explain why we must accept the basic intuitions that we accept. Alternatively, one might argue that in offering these arguments to explain our alleged intuitions, we really show that they are not intuitions after all. Intuitions fit a foundationalist epistemology; for they neither require nor allow further justification. In trying to connect the prudential or the moral outlook with further facts about agency, we seem to offer a holist defence of prudence or morality. We need to consider these epistemological issues to grasp the relation between Kantian and intuitionist conceptions of moral principles.

896. Kant and Sentimentalism

Some of Kant's objections to sentimentalism are closely related to those already raised by the rationalists. Balguy attacks Hutcheson's position on the ground that 'virtue appears in it to be of an arbitrary and positive nature; as entirely depending upon instincts, that might originally have been otherwise'.[7] Kant agrees with the form of argument (derived from Cudworth) that evaluates specific theories about the nature of moral properties by comparing them with our views about the immutability of morality. Hutcheson agrees with Cudworth and Balguy in believing that moral properties are not arbitrary and positive, but have a firmer basis in nature; hence he tries to show that his sentimentalism does not introduce an unwelcome degree of mutability. Hume takes a different view of the rationalist objection about mutability. He believes that rationalists are right to allege that the mutability that they criticize follows from the truth of a sentimentalist view, but he denies that this constitutes an objection to sentimentalism; sentimentalists, in his view, must simply acknowledge the sort of mutability that the rationalists allege against them.[8]

In the *First Critique*, Kant argues that Hume's opponents have failed to learn from him. They have been content to assert that Hume is wrong about causation, but they have not

[7] Quoted in §660. [8] Cf. Hume, §785.

tried to show where he is wrong, and what we can learn from him about the status of the principles that he questions. The fruitful and stimulating influence of Hume's sceptical questions has not been adequately appreciated.[9]

Sentimentalism raises parallel questions in moral philosophy.[10] One might argue that the degree of mutability implied by sentimentalist theories clashes with our ordinary moral convictions. But this answer does not refute Hume. He might be persuaded that it clashes with them more than he allows in his own works. But he might answer that ordinary views are mistaken, because the facts about moral sentiments imply the mutability that he recognizes. Kant does not discuss the sceptical tendency of Hume's theory. This may be partly because Hume does not regard himself as a sceptic about morality, and partly because Kant knows of sentimentalism mainly through Hutcheson's non-sceptical presentation of it.[11] But it is worth seeing how far Kant recognizes or answers the sceptical tendencies that Balguy and Price see in sentimentalism. He should show that sentimentalism gives an inadequate account of our moral judgments, and that we have reason to treat our moral judgments as true rather than adopt the sceptical attitude that follows from sentimentalism.

Sentimentalism, as Hutcheson and Hume conceive it, is not simply an account of moral judgment and moral properties. It is also an account of practical reason in general, and of the features, or alleged features, of the world that we grasp in practical reasoning. Sentimentalist claims about reason and passion apply no less to prudential than to moral thinking. To grasp the extent of Kant's disagreement with sentimentalists, we need to consider whether he rejects their account of practical reason and motivation in general, or only their account of moral reason and motivation. A similar question can be raised about the *First Critique*. We might at first sight suppose that Kant simply criticizes the empiricists' view of a priori knowledge, and leaves their view of empirical knowledge untouched; but the progress of the argument shows that he attacks the empiricist conception of empirical knowledge as well. Though Kant does not formulate the issue in exactly parallel terms in his moral philosophy, similar questions may be raised.

897. Kant and Naturalism

If Kant rejects both the ungrounded intuitions of Clarke and Price and the mutability resulting from sentimentalism, we might expect him to consider the position that we have called 'traditional naturalism'. Though Butler and Reid are sympathetic to some aspects of rationalist intuitionism, their position, in contrast to Clarke's and Price's, is not entirely

[9] See *KrV* B19–20; *Prol.* 258–9.

[10] Kant knows Hume's *Inquiries*, and probably some of the *Treatise*. But in his ethics, in contrast to *KrV*, he does not show acquaintance with specific claims and arguments of Hume's. The British moralist he refers to most often is Hutcheson; and so we can use his views on Hutcheson to infer his views on Hume. There is no reason to believe that he was acquainted with Butler's *Sermons*, or with Balguy and Price. See Beck, *CKCPR* 41n, 101. On Kant and Hutcheson see Schneewind, *IA* 501–2. Warda, *IKB* 45–56, lists among Kant's books German translations of works of Hutcheson and the Latin version of Cudworth's *TIS*. Kant also possessed copies of Aristotle, of Cicero's *De Officiis*, and of Seneca.

[11] Kant might not get a radically different impression of sentimentalism if he knew Hume mainly through the *Second Inquiry*. On Kant's relation to British moralists see Schilpp, *KPE* 31–3, 47–54, 60–1, 75–7; Ward, *DKVE*, ch. 3. Henrich, 'Hutcheson', discusses the different stages of Kant's engagement with Hutcheson.

intuitionist. They try to connect an account of morality with an account of human nature. Butler tries to defend conscience through an account of human nature that recognizes the role of superior principles. In appealing to human nature, Butler follows a traditional strategy for explaining and defending the moral point of view. The doctrine of the ancient moralists is maintained by Aquinas and Suarez in their identification of moral rightness with fitness to rational nature. This is the position that Butler defends in his normative naturalism.[12]

Kant returns, in one respect, to traditional naturalism. He rejects the immediacy of rightness, as Clarke tries to explain it. In his view, right action is fitting for a rational agent; we cannot see the rightness of an action by inspecting the action in itself, but we must see it in relation to the rational agent who does the action. In recognizing this relational and contextual aspect of rightness, Kant is closer to Butler and to Suarez than to Clarke.

On another point, however, he abandons naturalism. He argues that we cannot explain or defend morality through an account of human nature; naturalism tries to rest morality on 'anthropology' (*G* 389, 410). His explicit objections, however, are not aimed directly at traditional naturalism, but at Humean naturalism. He does not discuss the normative version of naturalism that the Greek moralists, Aquinas, and Butler all accept. Perhaps he agrees with Wollaston and Hume who, despite their sharp disagreements on the nature of morality, agree that a normative conception of nature has no role in an account of morality. Butler argues convincingly that Wollaston's objections do not refute traditional normative naturalism; and Hume's further objections to Butler and his predecessors are not compelling. We might reasonably ask, then, whether Kant has better reasons than Hume's or Wollaston's.

We may be able to grasp his attitude to traditional naturalism from his discussion of Leibniz and Wolff. He takes their position to be a form of perfectionism, and though he criticizes them, he does not accuse them of resting morality on mere anthropology. They are partly inspired by traditional naturalism, but they develop it in distinctive ways. We may ask whether Kant's criticisms apply to special features of their position or can be generalized so as to apply to the Aristotelian views elaborated by Aquinas and Suarez. If his objections do not refute traditional naturalism, is it a serious rival to Kant's position? Or are the two positions compatible?[13]

Whatever Kant says, it is not always clear that he rejects normative naturalism. Sometimes he simply seems to replace fitness to rational nature with fitness to rational beings. He seems to disagree, therefore, with traditional naturalism only in denying that the rational aspect of rational beings is a feature of their nature. We may wonder whether he is entitled to draw the line between the natural and the non-natural where he does. Clarification of these issues should make it easier to see where disputes arise between Kant and traditional naturalism, and whether his answer to them is better than a traditional naturalist answer.

898. Meta-Ethical Consequences of Kant's Strategy

In the Analytic of the *First Critique*, Kant defends the 'objective validity' of our claims to knowledge of an objective world, against sceptics who argue that our assumptions about

[12] On normative naturalism see §716.

[13] On Leibniz see §588. On perfectionism see §§937, 992.

objectivity are unjustified. Kant argues that the truth of these assumptions is necessary for the possibility of experience; for any possible experience must include the relevant belief in objects, cause and effect, and so on.

This form of argument is closely connected with Kant's claim that knowledge is limited to appearances, and does not extend to things in themselves. This transcendental idealist claim means at least that we cannot claim any knowledge of things that goes beyond appropriate inferences (as Kant understands them) from our sense-experience, and that we cannot know about aspects of things that are unconnected (as Kant understands 'connexion') with our sense-experience.[14] These are epistemological constraints on the sorts of facts and properties we can know. But does Kant also intend these constraints to limit the kind of thing we can know? Does he intend to confine our knowledge to what consists in or is constructed from our appearances (understood as states of consciousness) and to deny us any knowledge of things or properties that exist independently of our experiencing them? If he intends this further limit, his answer to scepticism may well appear to concede a crucial part of the sceptic's position.

Kant's moral theory raises a similar question. Clarke and Price affirm the objectivity of moral properties, whereas Hutcheson and Hume deny it. The rationalists' commitment to objectivity seems to require an unacceptable form of intuitionism. Apart from our alleged moral convictions, it may seem difficult to believe that eternal fitnesses are real features of the world, and difficult to see how we can know such things; the kinds of properties that the rationalists introduce seem to be unconnected with any properties that we recognize on other grounds. If rationalists tell us that this is simply how things are, that moral properties are sui generis, and that we know them by intuition, we may be dissatisfied. We may look for some holist argument that would give us some further reason for believing in objective moral properties accessible to rational judgment.[15]

Kant's conception of the basis of our moral knowledge raises a question about whether he means to defend objectivity or to replace it. He argues that we have a priori knowledge of moral properties; our knowledge rests on necessary features of rational and moral agents. We might say (perhaps exaggerating the parallel with the *First Critique*) that some moral facts are necessary for the possibility of our experience of ourselves as moral agents.[16] But then we might ask whether these necessary features of our experience tell us about objective moral facts, or simply about our experience. The question about Kant's realism or anti-realism in the *First Critique* returns when we consider his practical philosophy.

This comparison with the *First Critique* needs to consider the differences that Kant sees between theoretical and practical philosophy. Since moral beliefs are not suitably connected to our empirical knowledge, they cannot be about appearances; hence, if they are true about anything, they must be true about things in themselves. But in that case must they not give us knowledge of things in themselves, contrary to the *First Critique*?

Our views about the meta-ethical implications of Kant's views depend on specific claims about his ethical arguments, and on more general claims about the connexion between

[14] For the principle that what causally explains a phenomenon is a phenomenon see *KrV* A376.
[15] Cf. Rawls, *LHMP* 75, 83 and §992.
[16] Kant does not use 'experience' in this way for moral awareness.

his practical philosophy and the rest of his philosophical position. Some of the main interpretative issues can best be decided when we have discussed Kant's views on freedom.

899. Normative Consequences

Kant agrees with Butler, Price, and Reid in accepting a rationalist account of the nature and basis of morality, even though he does not rely on intuitionism to support rationalism. He agrees with their view that rationalism conflicts with utilitarianism. Hutcheson and Hume believe that their sentimentalism supports a utilitarian normative theory, though, as we have seen, their belief is open to question.[17]

Not everyone, however, agrees with these links between meta-ethical and normative theses. Balguy, for instance, is a rationalist and somewhat sympathetic to utilitarianism, anticipating Sidgwick's rationalist argument for utilitarianism.[18] Sidgwick takes Kantian principles to support utilitarianism, though he recognizes that Kant is not a utilitarian. In Sidgwick's view, Kant shows that a moral principle must embody a universal law acceptable to all rational beings. Sidgwick believes that the principle of utility uniquely satisfies Kant's condition. He sets out from a Kantian contrast between the form and the matter of a moral principle.[19] This contrast, as Sidgwick understands it, separates the truths that define a moral principle from those that state the content of the principle. Since Kant distinguishes form from matter, we might infer that his main task, if he sticks consistently to his own distinction, is a conceptual inquiry into the nature of moral principles.

Some unfriendly critics, including Hegel and Schopenhauer, have assumed this interpretation of Kant, but some friendly critics have also accepted it, following Sidgwick's example. Some twentieth-century moral philosophers look to Kant as an inspiration for a strictly formal characterization of moral judgments as prescriptive and universalizable.[20] Perhaps Kant describes the moral point of view at a very general level that is neutral between different normative views. Whatever we think about his own normative views, he may still be right in his formal description of morality.

One prominent modern development of Kant's position takes a quite different view about the normative implications of his conception of morality.[21] In Rawls's view, Kant provides the basis for a viable non-utilitarian theory of morality. Rawls agrees, against Sidgwick, with Kant's estimate of the importance of his position. Kant believes that his account of the basis of morality frees rationalist and non-utilitarian positions from the intuitionism of Price and Reid. For the earlier rationalists, ultimate normative principles are irreducibly plural. We are supposed to see the rightness of basic principles of justice, equity, beneficence, and so on,

[17] On sentimentalism and utilitarianism see §644.

[18] See Sidgwick, *ME* xvii. Despite his remarks on benevolence, Balguy rejects utilitarianism; see §664.

[19] On form and matter see §901.

[20] See Hare, *SOE* 159–62. Singer, *GE*, ch. 8–9, offers a clear defence of the formula of Universal Law and a reply to some objections and misunderstandings. On the categorical imperative of consistency see Lewis, *AKV* 481, discussed in §1321.

[21] 'To be avoided at all costs is the idea that Kant's doctrine simply provides the general, or formal, elements for a utilitarian (or indeed for any other) theory.' (Rawls, *TJ* [1] 251. At [2] 221 Rawls says more moderately: 'Especially to be avoided is the idea that Kant's doctrine provides at best only the general . . . ')

and to see that these principles cannot be subordinated or reduced to any general utilitarian principle. Kant tries to do better.

He argues that, once we understand the nature of morality, and in particular its relation to practical reason, we need not appeal to intuition in order to support basic normative principles. We can see that the rational basis for morality is non-utilitarian; for once we see that a genuinely moral principle must appeal to practical reason rather than sentiment, we can infer enough about its content to reject utilitarianism. Instead of recognizing a number of ultimate principles relying on intuitions without further explanation, we unify these principles by showing that they all express the implications of the basic point that a moral principle must appeal to practical reason.

Is Kant right about the coherence of his position? Both his meta-ethical rationalism and his non-utilitarian normative theory raise doubts and objections; and even if both of these aspects of his position are reasonable, Kant's view about their connexion might be wrong. To see how a Kantian view might reply, we may consider Kant's argument for rationalism and the further conclusions he draws from it.

900. Kant's Tasks

In the *First Critique*, Kant tries to prove that every subject of experience must accept specific synthetic and a priori truths that require belief in an objective world. The parallel task in the *Second Critique* is to prove that every rational agent has reason to accept certain 'practical laws', principles that are valid for the will of every rational being.

Kant contrasts a practical law with a mere maxim. My maxim in doing a particular action is (approximately) my reason for acting as I do. The maxim on which I do this action gives the description under which I choose to do it. If, for instance, I brush my teeth, my maxim is (normally) keeping my teeth clean. We might capture the maxim by saying that I brush my teeth to keep them clean, or that what I am doing in brushing my teeth is keeping my teeth clean (rather than wearing out the brush or exercising my arm).[22] A mere maxim, unrelated to any practical law, appeals to a motive that may be present in different rational beings to different degrees. A practical law, by contrast, rests on some ground that applies to rational beings as such.[23]

Kant sets out to prove three claims: (1) A practical law is a principle with a certain form. (2) There are principles with this form, and hence there are practical laws. (3) Moral principles rest on them. These three claims are distinct. We might agree that Kant has a coherent conception of what a practical law would have to be like, but deny that any

[22] As Kant says, 421n, the maxim is the 'subjective principle of acting'. On maxims see §§902, 915; O'Neill, *CR* 83–9.

[23] 'But for reason to be legislative, it is required that reason need presuppose only itself, because the rule is objectively and universally valid only when it holds without any contingent, subjective conditions that differentiate one rational being from another.' (*KpV* 20–1) Kant's different remarks on maxims and laws seem to reflect some confusion. Sometimes he suggests that a maxim is a subjective principle and a law is an objective principle that we may or may not incorporate in our subjective principle; the law provides a justifying reason that becomes a motivating reason when it is incorporated in our maxim. See *G* 421n. In this sense both hypothetical and categorical imperatives should give practical laws. But Kant also (in *KpV*) seems to say that all laws are a priori, and the hypothetical imperative is a mere maxim. Perhaps he confuses different ways something can be subjective.

principles satisfy this conception. Again, we might agree that some principles are practical laws, but deny that moral principles are among them—either because moral principles are too specific to be practical laws, though they fall under them, or because they are outside the area of practical laws.

In trying to describe the outlook and presuppositions of the moral point of view, Kant revives an argument of Balguy's against sentimentalism. From a sentimentalist point of view, there are no practical laws; the implicit outlook of morality, therefore, is inconsistent with the meta-ethical view that moral judgments are based on sentiments, rather than on pure practical reason. Balguy argues against sentimentalism on this point, maintaining that since moral judgments are corrigible and non-arbitrary, a sentimentalist analysis must be wrong. We need to see whether Kant adds something to Balguy's argument.

Kant fulfils his first task by arguing that no material practical principles are laws (*KpV* 22), and that a law contains the determining grounds of the will (27). The only such law is the one that requires us to act on a maxim that could be a principle establishing universal law (30). In drawing a corollary from this 'fundamental law of practical reason', Kant fulfils his second and third tasks at once. He asserts that 'pure reason is practical of itself alone, and it gives (to man) a universal law, which we call *the moral law*' (31).

He does not argue separately that moral principles are practical laws; he explicates his conception of practical laws by reference to assumptions about morality. Suppose that you consider the maxim of denying that a deposit has been made when no one can prove the contrary, and you ask whether this maxim could be a universal law (27). Kant assumes that this question concerns the moral acceptability of the maxim. Similarly, in arguing that a free will must be determined by a pure and unconditional practical law, he appeals to our recognition of our ability to do what we regard as morally obligatory, apart from the comparative strength of our various desires (30). Our awareness of moral obligation is awareness of a practical law.[24]

Some questions are clearer if we separate Kant's conception of practical laws from his argument to show that we are subject to practical laws, and from his argument to show that moral principles are practical laws. It is sometimes difficult to separate these points, because he normally illustrates the character of practical laws with examples of moral principles and moral reasoning. Still, we need to decide what practical laws must be like if there are any before we ask which principles meet our conditions for practical laws. Moral principles are distinct from principles that might aim at my own good or at the contemplation of truth and beauty for their own sake; but we should not assume in advance that neither prudential nor aesthetic principles (for instance) are practical laws. To see whether all and only moral laws are practical laws, we will first to try to keep the discussion at a more abstract level than Kant's, to see what a practical law is supposed to be, before trying to decide which principles, if any, are practical laws.

This division between Kant's general claims about practical laws and his specific claims about moral laws helps us to understand both Kant and his critics. Kant may have a plausible conception of a practical law, and may show that there are practical laws, but we may still

[24] '. . . we can become aware of pure practical laws in the same way we become aware of pure theoretical principles, by attending to the necessity with which reason prescribes them to us and to the setting aside of all empirical conditions, which reason directs.' (*KpV* 30)

wonder whether he has identified the right ones. In particular, we may wonder whether all and only practical laws are also moral laws. Some people who have agreed with Kant in recognizing practical laws have taken one's own good to be the ultimate source of all practical laws; others have taken one's own good and morality to be distinct sources of practical laws. Unless we distinguish Kant's general claims about practical laws from his specific claims about moral laws, we cannot decide whether we should agree with him, or with those who recognize different practical laws, or with those who recognize no practical laws.

Kant claims that principles are practical laws if they rely on some condition that is 'recognized as objective, i.e., as valid for the will of every rational being' (*KpV* 19). He does not mean that all rational agents recognize them as valid. He treats them as justifying reasons, not as exciting reasons, for all rational agents. In his view, not all justifying reasons rest on the desires of the agents for whom they are justifying reasons. Some reasons rest on facts about agents that they may not recognize or care about. Practical laws are valid for the will of every rational being, because of facts about rational beings, not primarily because of what rational beings recognize or desire.

901. Form and Matter

Practical principles are laws if they 'contain the determining grounds of the will because of their form and not because of their matter' (*KpV* 27, g48). The matter of a practical principle is 'the object of the will'. Every practical principle has an object whose role determines the character of the principle. If the object is also the determining ground of the will, the principle is not a practical law. In a practical law, the form of the principle, abstracted from the object, gives the determining ground. A purely formal justifying reason distinguishes practical laws from those justifying reasons that depend on some further feature of a specific kind of rational agent.[25]

Kant distinguishes (1) the objective ground of self-determination—the end (Zweck), which is also the ground of determination (Bewegungsgrund) of the action—from (2) the subjective ground of desire (Begehren)—the incentive (or 'spring', Triebfeder) that causes me to do the action (*G* 427).[26] If someone wants to eat an apple, the eating of the apple is the objective ground; it is the intentional object, or state of affairs represented as desirable. Kant uses 'objective' in the Scholastic sense, referring to the object of thought.[27] The objective ground need not be an existing object, and need not be valid for all rational agents. It is objective simply because it is a represented state of affairs, rather than an attitude the agent

[25] 'This object either is the determining ground of the will or it is not. If it is, the rule of the will is subject to an empirical condition (to the relation of the determining representation [Vorstellung] to the feeling of pleasure or displeasure), and therefore is not a practical law. If all material of a law, i.e., every object of the will (as its determining ground), is abstracted from it, nothing remains except the mere *form* of giving universal law.' (*KpV* 27) On Hegel's criticism of Kant's appeal to form see §1026.

[26] This contrast between 'objective' and 'subjective' may mislead. Paton's suggestion (*CI* 167n) that 'objective' may be a slip for 'subjective' is misguided, but shows that he sees that something needs to be explained. Cf. Beck, *CKCPR* 90–1. On objective ends see §902.

[27] See Suarez, §438.

takes to it. The 'incentive' is the agent's desire for the object. In order to act, the agent needs both the objective ground and the subjective ground—both a representation of the state of affairs aimed at and a desire to realize it.[28]

An agent's purpose or object cannot belong to a practical law, because Kant has a narrow conception of purposes and objects. In his view, they are all the products of empirical desires and impulses, and therefore are empirical objects of the will. These empirical objects may vary from one agent to another (whether or not they actually vary). If they were the basis of moral principles, the reasons given by moral principles would also vary according to the different desires of different agents. These empirical objects could not support practical laws.

This conclusion might still allow an object of desire to be the basis of practical laws. 'Object of desire' might refer either to what a given agent desires or to what is desirable for, or ought to be desired by, this sort of agent. If something is desirable for all rational agents as such, whether or not they desire it, it could be the basis, for all Kant has said so far, of practical laws. Kant has not shown that there can be no such object of desire; and therefore he has not shown that no object of desire could be a basis for practical laws.

Kant assumes that practical laws must be known a priori, but he gives no distinct argument for this claim. He refers to 'the necessity which is conceived in every law, an objective necessity arising from a priori grounds' (*KpV* 26), and remarks that 'practical laws . . . must have an objective and not just subjective necessity, and . . . must be known a priori by reason instead of by experience' (*KpV* 26). They must be known a priori because they apply to rational agents as rational.[29] Practical laws are derived from the 'universal concept of a rational being generally' (*G* 412); we can understand them without reference to mere empirical facts about human beings.

902. Practical Laws and Objective Ends

Kant connects practical laws with objective, as opposed to subjective, ends. Subjective ends rest on (beruhen auf) incentives, whereas objective ends have to do with (ankommen auf) grounds of determination that hold good for every rational being (*G* 427).[30] We have subjective ends in so far as some things become desirable to us because we already desire

[28] For this reason 'motive' (used by Gregor in *G* 427) does not seem to be a good rendering of 'Bewegungsgrund'. In *KpV*, 21 Beck renders the closely connected term 'Bestimmungsgrund' (cf. 'self-determination', Selbstbestimmung, in our passage) as 'determining ground' (followed by Gregor), which would be better here. For we often use 'motive' as Kant uses 'incentive' here, not for the object of our desire. And so 'ground of determination' is preferable.

[29] See *KpV* 20–1, quoted above.

[30] Kant's terminology is confusing. Subjective and objective ends are two types of 'objective grounds of determination', according to his classification of grounds of determination. To see what he has in mind, it is important (see note above on *G* 427) not to translate 'Bewegungsgrund' by 'motive', if we give 'motive' its normal sense in contemporary English. Though subjective ends 'rest on' incentives, they are not themselves incentives ('motives' in the normal sense in contemporary English), but the states of affairs we aim at. This distinction between the ground of determination and the incentive helps to explain why Kant uses 'ankommen auf' rather than 'beruhen auf' for objective ends. Objective ends do not depend on grounds of determination; they are grounds of determination, as he has said above. Probably, then, 'ankommen auf' means 'have to do with' (as in the phrase 'es kommt mir nicht darauf an'; 'it's nothing to do with me'). He does not mean that objective ends depend on something else, or that they depend on 'motives' (as we would normally understand them).

them; this is the only way, according to Hume, in which an end can become desirable to us. In these cases, we can distinguish the desire or 'spring' (incentive) from the desirable state of affairs, and the desire is prior. With objective ends, the relation between the desire and the desirable object is reversed. Our having a justifying reason to aim at this end does not depend on our already desiring it; on the contrary, it is because we recognize some justifying reason to aim at this end that we come to desire it.

Not all objective ends apply to all rational agents as such. If there are ends that certain kinds of rational beings have reason to pursue, not all objective ends (i.e., those in which the reason is antecedent to the desire) are valid for every rational being in the sense Kant has in mind. Perhaps, for instance, agents who have some considerable degree of artistic, musical, or athletic talent have some reason (not necessarily overriding) to develop it, irrespective of what they may already desire. This external reason is an appropriate basis of action for some, but not all, rational agents.

Kant's belief in an objective end explains why he speaks of an end in itself. An end 'in itself' is to be contrasted with something's being an end 'for me'; 'for me' refers to me with the sorts of incentive I happen to have. If an end is objective, I have reason to pursue the object because it is worth pursuing, not because I already have the relevant sort of desire.[31] An objective end is therefore a limiting condition of everyone's freedom of action (*G* 430–1). Our freedom of action is the freedom to pursue the subjective ends we may have; the objective end limits, but does not supersede, the pursuit of subjective ends.

The same contrast between an objective and a subjective end appears in the distinction between absolute value and value relative to some other end (*G* 428). Absolute value is not relative to our desires and incentives. If the value of two subjective ends depends on incentives, it is reasonable to trade the end we want less for the end we want more. But if something is an objective end, it is not appropriately traded for something we desire more.

Kant's contrast between price and dignity (*G* 434–5) draws the same distinctions. Whatever has a price has relative value; its price is what it would take for me to give it up in favour of some other goal. Something of absolute value cannot have that sort of price. Kant assumes that price is fixed by degree of antecedent desire; I find the price of x when I find some y such that I want y more than I want x and I would have to give up y in order to keep x. Objective ends do not have this sort of price, since their value is not fixed by the strength of the desire that I happen to have for them; and so they have a different kind of value from the value attached to things with a price.

903. Practical Laws and Categorical Imperatives

The basis of Kant's division between practical laws and maxims, and between objective and subjective ends, is also the basis of his division between categorical and hypothetical imperatives. This division rests on the relation of different imperatives to empirical motives and inclinations. A hypothetical imperative results from justifying reasons that rest on some

[31] Cf. Balguy, §658.

particular empirical desire or impulse. A categorical imperative relies on justifying reasons that are independent of empirical desires.[32]

When Kant speaks of imperatives, he refers to laws as they apply to agents who have motives that potentially conflict with practical reason. Practical laws move purely rational agents without being imperatives, but they are imperatives in agents who have potentially conflicting sources of motivation.[33] Kant normally discusses agents for whom practical laws are imperatives, since all human agents belong to this class. But his claims about reasons and about moral goodness do not require the potential internal conflict that is needed for imperatives.[34]

Hypothetical imperatives depend on an antecedent inclination. This inclination may be actual, not merely possible. 'Since you want x, you ought to do y' is a hypothetical imperative no less than 'If you want x, you ought to do y' is.[35] The relevant inclination may even be unavoidable. The desire for happiness is universal and necessary for human beings with our specific mental and physical characteristics, but it results in hypothetical imperatives (G 417). A practical law is based on a reason that is independent of the agent's desires and inclinations.

How many practical laws are there? Kant has clear reasons to deny that technical imperatives, concerned with the satisfaction of particular empirical desires, are practical laws. His reasons for dismissing pragmatic imperatives, derived from happiness, need closer examination.

904. Happiness and Desire

The objections to principles based on happiness rest on objections to all 'practical principles which presuppose an object (material) of the faculty of desire as the determining ground of the will'. In Kant's view, no such principle can be the basis of moral principles (*KpV* 21). The 'material of the faculty of desire' is an object whose reality is desired. If the desire for the object precedes any practical rule, the principle is empirical. In such cases, pleasure presents an end for the practical rule to achieve. The practical rule, therefore, is merely empirical, because we cannot know a priori whether or not we will gain pleasure.[36]

[32] 'Now tell someone that he ought never to make a deceitful promise; this is a rule which concerns only his will regardless of whether any purposes the human being may have can be achieved by it or not. The bare (blosse) volition is to be completely determined a priori by this rule. If, now, it is found that this rule is practically right, it is a law, because it is a categorical imperative.' (*KpV* 21)

[33] 'In practical cognition, . . . the principles that one makes for oneself are not yet laws by which one is inexorably bound, because reason, in practice, has to do with a subject and especially with its faculty of desire, the special character of which may occasion various adjustments in the rule . . . This rule, . . . is an imperative for a being whose reason is not the sole determinant of the will. It is a rule indicated by "ought", which expresses the objective necessitation of the act and signifies that, if reason completely determined the will, the action would without exception take place according to the rule.' (*KpV* 20)

[34] See also *G* 439; *MdS* 223, discussed in §988.

[35] '. . . whatever is necessary merely in order to attain some arbitrary (beliebigen) purpose can be regarded as itself contingent, and we can always be rid of the precept if we give up the purpose.' (*G* 420)

[36] '. . . the determining ground of choice (Willkür) is the representation of an object and its relation to the subject, whereby the faculty of desire is determined to the realization of it [sc. the object]. Such a relation to the subject is called pleasure in the reality of an object, and it must be presupposed as the condition of the possibility of the determination of choice.' (*KpV* 21)

After claiming that material practical principles aim at pleasure, Kant claims that they all belong under 'the general principle of self-love or one's own happiness' (22). He identifies pleasure with the 'sensation of agreeableness' produced by the achievement of some objects of desire.[37] He accepts a hedonist account of happiness, identifying happiness with the awareness of durable and uninterrupted pleasure.

Some of Kant's remarks, however, suggest a non-hedonist conception of happiness. Knowledge of happiness rests on 'mere data of experience' (*KpV* 36), and it is difficult to find the elements of happiness (*G* 417–18).[38] This difficulty would not arise if happiness consisted entirely in the pleasure resulting from the satisfaction of desire; for in that case the only constituent element of happiness would be pleasure, and the difficulty would lie not in identifying the elements of happiness, but in finding the means to happiness. Perhaps, however, we should take Kant to be speaking inexactly in suggesting that the elements of happiness itself are difficult to find. He may simply mean that it is difficult to discover what gives us pleasure.[39]

A hedonist analysis of desire supports Kant's claim that no principle based on the agent's highest good can be a practical law.[40] If this analysis is right, his criticism of happiness is cogent. If practical rules are prescriptions for achieving happiness, they depend on the agent's feelings of pleasure.

905. Inclinations and Reasons

This explanation of the difference between categorical and hypothetical imperatives suggests that hypothetical imperatives rest ultimately on a desire for pleasure. This particular feature of Kant's position, however, is not necessary for his main contrast between the two types of imperatives.[41]

The contrast is marked by two different types of judgment of value, which are more sharply separated (Kant supposes) in German than in Greek and Latin. The Latin 'bonum' and 'malum' cover both judgments about weal and woe ('Wohl' and 'Weh') and judgments about the strictly good and evil ('Gut' and 'Böse') (*KpV* 59–60). For instance, 'whoever submits to a surgical operation feels it without doubt as an ill (übel), but by reason he and everyone else describe it as a good' (61).[42]

[37] '. . . a rational being's consciousness of the agreeableness of life which without interruption accompanies his whole existence is happiness, and to make this the supreme ground for the determination of choice (Willkür) is the principle of self-love.' (*KpV* 22) At 124 Kant gives a similar account of happiness.

[38] In the correction at *KU* 200 (printed by Beck as a footnote to *G* 415), Kant says that imperatives based on happiness depend on 'a determination of what constitutes the end itself (happiness)'.

[39] '. . . where one places his happiness is a question of the particular feeling of pleasure or displeasure in each man, and even of the differences in needs occasioned by changes of feeling in one and the same man.' (*KpV* 25)

[40] 'If the concept of the good is not to be derived from an antecedent practical law, but rather is to serve as the ground of the latter, it can only be the concept of something whose existence promises pleasure and thus determines the causality of the subject (i.e. the faculty of desire) to produce it.' (*KpV* 58)

[41] See Beck, *CKCPR* 101–2. Reath, 'Hedonism', denies that Kant holds the hedonist views that I have attributed to him. See also Allison, *KTF* 103.

[42] He mentions Poseidonius suffering from the gout, who said that however annoying (molestum) the pain might be, he would never agree that it was bad (malum). As Kant understands this, Poseidonius says that pain is an ill (übel) but not strictly bad (böse) (*KpV* 60). Kant explains: 'for the pain did not in the least diminish the worth of his person, but

The strictly good is the good recognized by reason, in contrast to the pleasant. A judgment about our welfare is not about the strictly good, because reason is not simply a device for finding means to the satisfaction of inclination (61–2; cf. *G* 395). The value we attach to reason is not exhausted by its effectiveness in securing the ends pursued by inclination; indeed, we recognize that it is not always very effective in this instrumental role. The contrast between judgments of weal and judgments of strict goodness is the contrast between good assessed by reference to effectiveness in satisfying inclination (in the short or the long term) and good assessed by reason independently of inclination. That is why principles prescribing what is to be done to secure our happiness cannot be judgments about strict goodness.

If happiness consists in the satisfaction of our inclinations (or most of them, or those we care most about, or a consistent set of them), judgments about what is required for happiness refer to the goodness that depends on inclination, and hence refer to weal rather than to strict goodness. In Kant's view, the necessity of our pursuing happiness is a necessity of the human condition, not of practical reason, so that it depends on empirical facts about the strength of our inclinations.[43]

The appeal to happiness, therefore, supports justifying reasons that appeal to inclinations. The fact that I can buy an air ticket to London more cheaply if I book tomorrow than if I book the next day is a reason for me to book tomorrow only if I want to go to London and I want to save money. Hence 'You ought to book tomorrow' is a hypothetical imperative of the sort that Kant calls a counsel rather than a command (*G* 418). Imperatives based on happiness manifest our predisposition to humanity; the self-love that aims at happiness 'is rooted in a reason which is indeed practical, but only as subservient to other incentives'. Only the predisposition to personality, involving the capacity for respect for the moral law as in itself a sufficient incentive of the will, is really 'rooted in reason practical of itself, i.e., in reason legislating unconditionally' (*Rel.* 28).

906. The Status of Hypothetical Imperatives

Kant's treatment of reasons of self-interest is not completely clear. We need to distinguish three possible places for reason in prudential deliberation: (1) Given that you want x, reason tells you that y is a means to x. (2) Reason tells you that it is reasonable to pursue y, given that you want x and y is a means to x. (3) Reason tells you that it is reasonable to pursue y, given that x is good for you, and y is a means to x.

The first of these claims expresses Hume's position. The second claim goes beyond Hume, since reason tells you something that it is reasonable to do, irrespective of whether you want

only the worth of his condition. A single lie of which he was conscious would have had to strike down his pride, but pain served only as an occasion for raising it when he was conscious that he had not made himself liable to it by a wrong action and thereby deserving of punishment.' (60)

[43] 'There is one end, however, which we may presuppose as actual in all rational beings, so far as imperatives apply to them, i.e., so far as they are dependent beings; there is one purpose not only which they all *can* have but which we can presuppose that they all *do* have by a necessity of nature. This purpose is happiness. The hypothetical imperative which represents the practical necessity of action as means to the promotion of happiness is an assertorical imperative. We may not expound it as merely necessary to an uncertain and a merely possible purpose, but as necessary to a purpose which we can a priori and with assurance assume for everyone because it belongs to his essence.' (*G* 415)

to or not; this is to pursue some means to an end you want. According to Hume, the second claim is false; it is just a psychological fact that the desire for the end results in the desire for the means. One might argue, however, that this is not a purely psychological fact, and that it involves the application of a superior principle (as Butler supposes).[44]

One might wonder whether we could consistently affirm the second claim, asserting that it is reasonable to pursue means to our ends, without the third claim, asserting that it is reasonable to care about our good. To explain why we have a reason (not necessarily overriding) to pursue a means to some end of ours, we might say that it depends on thinking of our end as our own, as belonging to us, as agents with interests and concerns extending over time; and so it depends on its being reasonable to be concerned for ourselves as such agents. But if we go this far to explain the rationality of pursuing a means to our end, must we not agree that it is reasonable to choose, not merely some means, but efficient means to our ends, and that it is reasonable to have some concern for oneself as a whole?

Kant accepts at least the first, Humean, claim. He rejects the third claim, since he rejects categorical imperatives of prudence. One might be inclined to ascribe the second claim to him.[45] He seems to suppose it is rational to pursue means to our ends, and that we do not need a further inclination in order to make this rational. If, however, we cannot plausibly accept the second claim without the third, Kant's position is unstable. Though he is fairly clear about the sort of reason provided by a hypothetical imperative, he is less clear about the rationality of following hypothetical imperatives.

He normally takes a hypothetical imperative to rest on the sort of reason that Hume allows, appealing to some antecedent desire and preference. A categorical imperative, by contrast, rests on the sort of justifying reason that Hume does not allow, independent of any antecedent desire and preference. Hence, a categorical imperative 'represents an action as objectively necessary in itself, without reference to another end' (*G* 414). It 'declares an action to be of itself objectively necessary without reference to any purpose, i.e. without any other end' (*G* 415).

A categorical imperative is independent of any purpose that is given by some prior preference. It must present external justifying reasons that are reasons for all rational agents as such, not because some rational agents have the particular aims and needs that human beings have. Such reasons do not cease to be reasons simply because human inclinations change. If we care less about our happiness today than we did yesterday, such a fluctuation of inclination makes different hypothetical imperatives apply to us, but it does not change the practical laws that apply to us as rational agents.

907. Self-Interest as a Source of Self-Love and Self-Conceit

Kant has shown that happiness, as he understands it, does not support categorical imperatives or practical laws, as he understands them. But to see whether his argument also shows that

[44] Sidgwick, *ME* 37, raises a question about what Kant actually means in his discussion of hypothetical imperatives. His question is explored further by Prior, *LBE* 37–41.

[45] For further discussion see Hill, 'Hypothetical'; Korsgaard, 'Instrumental'.

happiness, correctly understood, cannot be a source of practical laws, we must compare Kant's conception of happiness with the conception that we find in traditional naturalist eudaemonism. His case against happiness does not apply directly to the traditional conception of happiness, as we find it in Aristotle and Aquinas. For they do not take happiness to consist simply in pleasure; hence Kant's arguments that rest on claims about pleasure do not show that happiness cannot be the source of practical laws.

The eudaemonist position would still be open to Kant's criticisms, however, if our reason for pursuing happiness and its components depended wholly on our inclination towards them. Kant claims that this is our only reason to pursue happiness, and that it is a mistake to attach any further importance to happiness. He believes we are prone to such a mistake; we tend to make the maxims of the pathologically determinable self into 'the first and originally valid' claims.[46] In doing this, we mistakenly suppose that we need no further reason apart from inclination in order to have a good reason to act on our inclinations.

This mistake underlies the attitude of 'self-love', which treats 'the subjective determining grounds of one's choice' as 'objective determining grounds of the will'. Self-love exaggerates its importance even more when it 'makes itself legislative and makes itself into the unconditioned practical principle'; this exaggerated attitude is 'self-conceit'. Self-love and self-conceit differ in that self-love regards one's own interest as an objective determining ground, without claiming that it is the supreme determining ground, whereas self-conceit claims supremacy for one's own interest in contrast to any other motive (73).[47] In both attitudes, the rational will accepts maxims that aim at the satisfaction of inclination, on the false assumption that these maxims give us an objective determining ground. An objective determining ground would give us good reason, apart from our inclinations, to promote our own happiness. If happiness does not give us an objective determining ground, it does not give us external reasons—considerations that constitute good reasons for action, independently of the inclinations of the subject. This conception of happiness requires the Humean conception of hypothetical imperatives, even though Kant himself does not unambiguously endorse this conception.[48]

908. External Reasons and Universal Laws

Kant's treatment of happiness makes it especially clear why we need to distinguish two features of categorical imperatives: (1) Kant's broader account of a categorical imperative takes every non-hypothetical imperative to be categorical. (2) His narrower conception restricts categorical imperatives to those that rely on reasons that are equally reasons for all rational agents as such.

[46] 'We find now, however, our nature as sensuous beings so characterized that the material of the faculty of desire (objects of the inclination, whether of hope or fear) first presses upon us; and we find our pathologically determinable self, although by its maxims it is wholly incapable of giving universal law, nonetheless—as though it constituted our whole self—striving from the start to make its claims primarily and originally valid. This propensity to make oneself, in accordance with the subjective determining grounds of one's choice (Willkür), into the objective determining ground of the will (Wille) in general one can call self-love (Selbstliebe), which, if self-love makes itself legislative and makes itself into the unconditioned practical principle can be called self-conceit (Eigendünkel).' (*KpV* 74) See Engstrom, 'Concept', 758.

[47] On self-conceit and the moral law see §966.

[48] On external reasons see §268.

These two criteria for a categorical imperative are equivalent only if we accept some controversial features of Kant's view of external reasons. In his view, all non-moral reasons are internal reasons, so that the only external reasons are moral reasons applying to all rational agents as such. But we might reasonably suppose that some of them meet the broader, but not the narrower, criterion for being categorical. Some imperatives apply to some rational agents and not to others, but not because of different preferences. These imperatives might include: (a) People with musical talent ought to develop it. (b) After that serious illness, you ought to take it easy for a while. These imperatives seem to rest on external reasons, independent of any prior preference of the agent; and so, by this test, they are not hypothetical, but categorical. But they seem to apply to some agents and not to others, not to all rational agents as such.

One might reply that these imperatives based on external reasons may really apply to all rational agents. Perhaps all rational agents as such have reason, if they have musical talent, to develop it. This 'conditional' categorical imperative is different from a hypothetical imperative, because the condition it includes does not involve the agent's desires. The fact that all imperatives based on external reasons apply to all rational agents in this sense may make it easier for Kant to believe that his narrower conception of a categorical imperative includes all non-hypothetical imperatives.

Kant's conception of a categorical imperative, however, normally requires not this conditional universality, but unconditional universality; he takes a categorical imperative to rest on an external reason that applies unconditionally (i.e., without essentially referring to any conditions distinguishing one rational agent from another) to all rational agents as such. His claims about the features of a categorical imperative apply to unconditionally universal categorical imperatives.

909. Happiness and the Highest Good

If we restrict ourselves to these unconditionally universal categorical imperatives, is Kant right to suppose that we cannot find them in traditional naturalism? His answer to this question will be clearer in the light of some of his remarks about the ancient moralists. Complications in these remarks raise questions about his arguments about categorical imperatives.

If we render 'eudaimonia' by 'happiness', we might suppose that Kant's remarks about happiness also apply to eudaimonia. But if we supposed this, we would be misled. For Kant's predominant concept of happiness treats it as a collection of pleasures, but he recognizes that the ancient concept of eudaimonia is not essentially hedonist. And so he uses 'highest good', not 'happiness', to refer to eudaimonia. Since he notices that the Greeks disagree about the place of pleasure in eudaimonia, he represents this disagreement as a dispute about the place of happiness in the highest good.

Given this distinction between happiness and the highest good, the ancient moralists do not believe that happiness, without qualification, is the highest good.[49] Since they give virtue

[49] 'The ancients realized that mere happiness could not be the one highest good. For if all men might obtain this happiness without distinction of just and unjust, then there would indeed be happiness, but no worthiness of it, and if

a special place in the highest good, they do not say that the highest good is nothing more than happiness.[50] The Epicurean view comes closest to identifying the highest good with happiness, since it treats virtue simply as a means to happiness. The Stoics deny that the highest good is happiness.[51] When they say that virtue is identical to the highest good, they mean (according to Kant) that happiness results from virtue.[52]

But though Kant sees that the ancients regard the highest good, rather than happiness, as the ultimate end, he still believes that they subordinate practical reason to inclination. In his view, the appeal to the highest good is an appeal to an object of inclination that can yield only hypothetical imperatives.[53] Hence the ancients introduce the 'heteronomy' of practical reason, because they do not allow practical reason to follow its own laws, but they make it subservient to inclination.[54]

the latter is included, than that is the highest good.' (*LE* 247) Kant takes this claim to be consistent with his account of the Epicurean position because Epicurus wants to give virtue a special connexion to happiness; though it is not part of happiness, it is an indispensable means to it. Sullivan, *KMT* 364n12, suggests that Kant criticizes the Stoics for claiming that to be conscious of one's virtue is happiness or eudaimonia.

[50] Kant considers two accounts, the Epicurean and the Stoic of the nature of the highest good: '. . . so far as the definition of the concept of the highest good is concerned, they followed one and the same method, since neither held virtue and happiness to be two different elements of the highest good . . . The Epicurean said: To be conscious of one's maxim leading to happiness is virtue. The Stoic said: To be conscious of one's virtue is happiness. To the former, prudence amounted to morality; to the latter, who chose a higher term for virtue, morality alone was true wisdom.' (*KpV* 111) 'Epicurus' doctrine was that the highest good was happiness and that well-doing was but a means to happiness. . . . Zeno taught that the highest good is to be found only in morality, in merit (and thus in well-doing), and that happiness is a consequence of morality. Whoever conducts himself well is happy.' (*LE* 248)

[51] The ancients are also discussed in the lectures of Kant that underlie the various notes printed in *KGS* xxvii 1. See 101 (Powolski's notes: the primacy of the question about the nature of the summum bonum); 104 (the Stoics on happiness); 248–50 (Collins's notes: the Stoics on the priority of virtue to happiness). Kant's views are similar to those in *LE*.

[52] 'The concept of virtue, according to the Epicureans, lay already in the maxim of furthering one's own happiness; the feeling of happiness, for the Stoic, was, on the contrary, already contained in the consciousness of his virtue.' (*KpV* 112) Kant seeks to correct the shared error of the two Greek views: 'Whatever is contained in another concept, however, is the same as one of its parts, but not the same as the whole, and two wholes can, moreover, be specifically different from each other though they consist of the same content, if their parts are combined in different ways. The Stoic asserted virtue to be the whole highest good, and happiness was only the consciousness of this possession as belonging to the state of the subject. The Epicurean stated that happiness was the whole highest good and that virtue was only the form of the maxim for seeking to obtain it, namely in the rational use of means to it.' (*KpV* 112) Kant might cite some support in some Stoic sources for his claims about happiness. In some places Stoics speak of eudaimonia as a 'good flow' (*eurhoia*) of life, and sometimes seem to identify this 'good flow' with a subjective condition of the agent. If one focuses on these passages to the exclusion of other remarks about eudaimonia and virtue, one might come out with something like Kant's view. See §182 on the Stoics; §800 (Smith's interpretation). If one turned from these passages to the sources in which the Stoics are said to identify the summum bonum with virtue, and one noticed the difference between virtue and a consequence of virtue, one might reasonably come to the conclusion that the Stoics regard eudaimonia as a consequence of the summum bonum rather than as the summum bonum itself. Hegel's criticism of Stoic views on virtue and happiness; §1026.

[53] Hence he takes all the ancients to commit the errors that he ascribes to the position that he calls eudaemonist.

[54] '. . . [Previous philosophers] sought an object of the will in order to make it into the material and the ground of a law (which would then not be the immediately determining ground of the will, but only mediated by that object referred to the feeling of pleasure or displeasure); instead, they should have looked first for a law which immediately determined the will a priori and only then sought the object suitable to it. Whether they placed this object of pleasure, which was to deliver the supreme concept of the good, in happiness, or in perfection, or in the moral law, or in the will of God—their fundamental principle was always heteronomy, and they came inevitably to empirical conditions for a moral law.' (*KpV* 64) (Editors follow Hartenstein in emending the first occurrence of 'moral law' to 'moral feeling'.) None of the Greek moralists escapes this criticism: 'The ancients openly revealed this error in that they devoted their ethical investigations entirely to the definition of the concept of the highest good and thereby posited an object which they intended subsequently to make the determining ground of the will in the moral law.' (*KpV* 64)

910. Are There Practical Laws of Prudence?

Is Kant right to claim that the highest good, as the ancients understand it, can yield only hypothetical imperatives? Let us suppose for the moment that the ancients regard the highest good egoistically, as one's own good. In claiming that this yields only hypothetical imperatives, Kant denies that there are any categorical imperatives of prudence. His denial rests on the assumption that one's good is happiness (as Kant understands it), or some other object of inclination. In that case, one's own good is not an 'objective determining ground' that one has a reason to pursue apart from the strength of one's own desire.

We might, however, doubt Kant's assumptions. One's own good does not seem to provide only internal reasons based on antecedent inclination. We seem to have reason to pursue our own good even if we do not care enough about it; the very fact that something would promote my welfare seems to make it reasonable for me to do it, whether or not I care about my welfare, and whether or not I regard this as an element of my welfare. People seem to be open to criticism for acting unreasonably if they harm themselves, whether or not they care about this. Sometimes we criticize them in the light of what they usually care about, or would care about if they stopped to think. But this is not always the basis of our criticism. Even if further reflexion would not free them from foolish inclinations that are bad for them, they would still be open to rational criticism.

This conception of a person's good is characteristic of traditional naturalism. Aquinas claims that we have external reasons both for pursuing our conception of our good and for pursuing one conception of our good rather than another. Though we all desire our own good, our desire does not provide our reason for pursuing our ultimate good. We ought to pursue our ultimate good, correctly conceived, because of our nature as rational agents, not because we have some more specific desire. Aquinas recognizes this aspect of the good in his claim that we aim at perfection rather than the mere satisfaction of desire.

A similar external conception of reasons underlies the conception of one's good in Suarez, Butler, and Reid. Butler calls self-love a superior principle because the reasons it gives refer not to the strength of my inclinations, but to the sort of agent that I am; hence they accord with my nature. In Butler's view, then, my reason for pursuing my own happiness justifies my inclination to do it, not the other way round. Reid explains that superior principles reflect our conception of our good on the whole, which results from our conception of ourselves as the temporally extended agents whose good is to be considered. Once we recognize that we are temporally extended agents, we see that we have interests that we cannot achieve by simply following the stronger current impulse; and so we discover that in our own interest we ought to follow principles that rely on authority rather than mere strength.[55]

According to this conception, the fact that restoration of my health, say, would be good for me is by itself a justifying reason for me to restore my health, whether or not I want health or anything to which my health might be a means. If I begin to want health, I do not make it reasonable for me to care about it; I now want something that was reasonable for

[55] Reid; §832.

me to care about even before I wanted it.[56] Similarly, if I stop wanting to be healthy, I do not make it unreasonable to care about it; rather, I cease to want what it is still reasonable for me to want. My own good, therefore, fits Kant's conception of an objective end. Kant's rejection of this conclusion relies on his questionable views about external reasons of prudence.

This discussion of prudence allows us to see more exactly where Kant rejects the naturalist position that is most fully stated by Aquinas, but most familiar to Kant through Leibniz. Kant's separation of practical laws from inclination-based maxims matches Aquinas' division between the desires that belong to the will and those that belong to the passions. Aquinas agrees that practical reason is capable of finding ends that apply to us independently of antecedent non-rational inclinations, and that we are capable of acting on them. But he holds, contrary to Kant, that one's own good is a source of practical laws, as Kant conceives them. Kant rejects this view because he identifies one's good with the satisfaction of inclination.

If, then, there are practical laws of prudence, eudaemonist naturalism does not make practical reason heteronomous; for it does not subordinate practical reason to non-rational inclination. On this issue, Kant is less rationalist than eudaemonist naturalists are.

911. Practical Laws: A Dilemma for Kant

How much does it matter whether Kant is right or wrong about practical laws of prudence? One might argue that if he is wrong, all that follows is that there are more practical laws than he recognizes. Since his main question is about whether there are practical laws of morality, we might think that the question about practical laws of prudence is peripheral. To see that this is not so, we should compare Kant's position with the naturalist view and with an anti-rationalist view.

Hutcheson and Hume attack belief in any external reasons. In Hume's view, Butler's conception of a superior principle rests on failure to notice that the rationality of prudence depends on the strength of one's inclination towards one's longer-term good. Butler is mistaken, in Hume's view, in supposing that superior principles do not depend on inclination. According to Hume, agents who act in accord with their informed preferences are immune to criticism for irrationality. Hence the view that a person's good is the source of justifying reasons independent of an agent's desires presupposes a false view of justifying reasons. If Kant agrees with Hume on all these points about justifying reasons, he has a good reason to reject categorical imperatives of prudence.

But he does not endorse Hume's general objections to external justifying reasons. He believes that moral imperatives give external reasons. He assumes that agents deserve criticism for acting against reason, whatever their inclinations may have been, if they violate principles of morality. If they did not deserve it, the imperative of morality would not be categorical.

Kant relies on our intuitive judgment that moral imperatives are categorical; we do not suppose that our moral reasons go away if we lose the inclinations that favour the

[56] I use 'rational' and 'reasonable' without distinction, following Butler and Reid. Kant uses the single word 'vernünftig', which Rawls prefers to render by 'rational and reasonable'. Cf. Rawls, 'Themes', 87–8, *LHMP* 164–5; Engstrom, 'Concept', 753n10; Scanlon, *WWOEO* 25–30.

morally right course of action. But he tries to undermine our intuitive belief in prudential categorical imperatives. If he succeeded, he would cast doubt on the possibility of external justifying reasons. Such doubts would spread to moral imperatives. For he relies on the intuitive judgment that rational agents are sometimes open to moral criticism, however their inclinations may vary. From a sentimentalist point of view, this intuitive judgment is false, but we can explain (causally and psychologically) why it appears to be true. But Kant accepts the intuitive judgment; for he appeals to the various moral attitudes and judgments connected with belief in external moral reasons.

If Kant argues in this way, he cannot fairly ignore parallel arguments for external prudential reasons. There must be some external reasons, if there are practical laws. If there are no practical laws, Kant's whole argument collapses, and there are no categorical imperatives of morality. Hence, his objection to external prudential reasons ought to be more specific than a general Humean objection to external reasons.

We might defend Kant by arguing that moral reasons are external, whereas prudential reasons are purely internal and dependent on the agent's desires. But what would explain this difference between prudence and morality? Belief in external prudential reasons rests on claims about our nature and what is suitable for it. If Kant, following Hume, denies that such claims support external reasons, he undermines his claims about categorical imperatives, which apply to rational agents because they are rational agents, not because of some further desire. Doubts about prudential external reasons, therefore, seem to spread to moral external reasons. Since Kant accepts moral external reasons, he ought to accept prudential external reasons.

Kant might modify his position by conceding that prudential reasons are external, and therefore independent of inclination, but still denying that they apply to all rational agents as such; for some external reasons depend not on desires, but on facts about some people and not others. Might Kant argue, then, that external prudential reasons do not hold for all rational agents as such? Perhaps naturalist theories appeal to human nature, and so do not apply to rational agents as such.

This conception of an appeal to nature does not fit Aquinas. In his view, the appeal to nature is not simply an appeal to empirical facts about what people want; nor are moral principles simply means of satisfying these wants. His account of human nature is an account of the essential rational agency in agents who also have non-rational desires. He takes the pursuit of happiness to be necessary for rational agents, because it is a feature of rational agency. The virtues that specify the correct conception of happiness are aspects of rational agency. Suarez expresses this general view in treating the right as what fits rational nature.[57] Similarly, Butler appeals to nature to show that we are agents guided by superior principles; self-love is natural because it expresses our nature as rational agents, not because of special properties of human beings.

On this point, traditional eudaemonism differs from Hume's appeal to human nature. Hume appeals to specifically human needs, impulses, and sentiments that do not support practical laws. This result does not bother Hume, since he does not believe there are any practical laws.

[57] Suarez on fitting rational nature; §438.

We might doubt the claim of traditional eudaemonism to rely on truths about rational agents as such, if we doubt whether there are any sufficiently determinate truths. Kant, however, does not share this general doubt, since he believes that truths about rational agents as such support practical laws in morality. He assumes that the case for prudential practical laws is weaker than the case for moral practical laws.

His assumption is open to question. The best defence of his objections to prudential practical laws appeals to general Humean doubts about external reasons. If we do not share these doubts, it is difficult to reject prudential laws. But if we share Humean doubts about external reasons, we undermine Kant's case for moral practical laws.

So far we have examined Kant's views about practical laws without considering his reasons for believing that these laws are moral principles. The examination shows that he has reasonable arguments for recognizing practical laws, but that they do not support exactly the conclusions he draws from them. He supposes that his arguments expose errors in eudaemonism, because it makes all practical reason heteronomous. But he does not evidently refute a eudaemonist case for practical laws of prudence.